

DISTRICT OF COLUMBIA
OFFICE OF ADMINISTRATIVE HEARINGS
One Judiciary Square
441 Fourth Street, NW
Washington, DC 20001-2714
TEL: (202) 442-9094 · FAX: (202) 442-4789

COMPANY, LLC
Appellant/Employer

v.

A.B.
Appellee/Claimant

Case No.: 2012-DOES-00872

FINAL ORDER

I. INTRODUCTION

A. Parties: Employer Company LLC and Claimant A.B. Claimant appeared at the hearing, and Employer did not.¹

B. Issue: The District of Columbia Department of Employment Services (“DOES”) issued a Claims Examiner’s Determination (“Determination”) about Claimant’s unemployment benefits. Employer has appealed the Determination and requested a hearing.²

C. Date and Time of Hearing: June 22, 2012, at 11:45 a.m.

D. Witnesses: None. Claimant chose not to present evidence.

E. Result: Employer did not prove any reason for disqualification. Claimant is qualified to receive unemployment benefits.

¹ This administrative court mailed the Scheduling Order to Employer at the address that appears in the case file. It was not returned by the U.S. Postal Service. Employer did not request a postponement of the hearing or permission to participate by telephone, although instructions for making such requests were in the Scheduling Order.

² No eligibility issue has been raised or preserved under the District of Columbia Unemployment Compensation Act, D.C. Official Code §51-109, such as base period eligibility, and availability for or ability to work.

II. JURISDICTION

The request for hearing was timely, based on its filing date and the mailing date of the Determination.³ Jurisdiction is established.

III. DISCUSSION AND CONCLUSIONS OF LAW

Under the D.C. Unemployment Compensation Act, a claimant who is fired for misconduct or voluntarily quits a job may be disqualified from receiving unemployment benefits.⁴ If an employer believes a claimant should be disqualified from receiving benefits, the employer must prove it.⁵

Employer did not appear at the hearing to explain why Claimant should be disqualified from receiving benefits.⁶ Claimant chose not to present evidence. Because no reason for disqualification has been established, Claimant is qualified to receive benefits.⁷

IV. ORDER

For the reasons stated above, it is:

ORDERED, that the Claims Examiner's Determination is **AFFIRMED**; and it is further

ORDERED, that Claimant is **QUALIFIED** to receive unemployment compensation benefits; and it is further

³ D.C. Official Code § 51-111(b); OAH Rules 2812.3 and 2983.1.

⁴ D.C. Official Code § 51-110; 7 D.C. Municipal Regulations (DCMR) 311 and 312.

⁵ See 7 DCMR 311.3 (employer must prove voluntary quit unless claimant admits it); and 312.2 and 312.8 (employer must prove misconduct).

⁶ The Scheduling Order warned the parties, "**If you do not appear, you may lose your case.**"

⁷ I am not bound by the Claims Examiner's findings or conclusions. *Nursing Unlimited Servs. v. D.C. Dep't of Emp't Servs.*, 974 A.2d 218, 222 (D.C. 2009).

ORDERED, that the appeal rights of any person aggrieved by this Order are stated on the attached page.

DATED: June 25, 2012

Jesse P. Goode
Administrative Law Judge